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REMARKS

Claims 1 to 17 are pending in the application. Claims 6
to 10 stand rejected under 35 U.S.C. 101. Claims 1 to 17 stand
rejected under 35 U.S.C. 103(a). Claim 6 has been amended.

Claims 6 to 10 stand rejected under 35 U.S.C. 101 because
the claimed invention is directed to non-statutory matter. The
Examiner indicated in the Office Action that the claims "need
to be amended to include only the physical computer media and
not a transmission media or other intangible or non-functional
media."

Applicant has adopted the Examiner's suggestion and
amended Claim 6 to further clarify the nature of the computer
program product. Applicant respectfully submits that Claim 6,
as amended, contains no new matter and is fully supported in
the Specification. Further, Applicant respectfully submits
that Claim 6, as amended, requires no further search or
consideration.

Applicant submits that the amendment obviates the Section
101 rejection of Claims 6 to 10. For this reason, Applicant
respectfully requests reconsideration and withdrawal of the
Section 101 rejection of each of Claims 6 to 10.

Entry of this amendment is appropriate under Rule 116,
because in view of the following remarks the amendment places
the application in condition for allowance. If the Examiner
should disagree, the Examiner is respectfully requested to
enter this paper and the amendment to narrow the issues on
appeal.

Claims 1 to 17 stand rejected under 35 U.S.C. 103(a) as
being unpatentable over U.S. Patent No. 5,903,890 to Shoji et
al. (hereinafter, Shoji) in view of U.S. Patent No. 6,523,028
to DiDomizio et al. (hereinafter, DiDomizio).

Applicant respectfully submits that a prima facie
obviousness rejection has not been made and that explicit claim

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limitations have not been considered. The MPEP puts forth
multiple criteria that an obviousness rejection must satisfy.
Failure to meet any one of the criteria means that a prima
facie obviousness rejection has not been made.

    First, the MPEP requires that the references must be
considered as a whole. Specifically,

>   (B) The references must be considered as a whole and
> must suggest the desirability and thus the obviousness of
> making the combination;

MPEP § 2141 II., 8th Ed., Rev. 3, p. 2100-125 (August 2005).

    The Office Action stated:

> ...a merging driver coupled to each driver in
> the plurality of drivers through the driver
> application programming interface [interface
> driver 720, Fig. 1; col. 5, lines 44 – 60],
> wherein the merging driver distributes queries
> to each driver in said plurality of drivers so
> that the queries are directed to each of said
> plurality of data sources [user can then click
> on one of the logic relationships shown in a
> window 778 to select a search for the results of
> all the databases; col. 5, lines 45 – 60].

    The cited section of Shoji actually taught:

> FIG. 2B shows an exemplary display 770
> optionally associated with interface driver 720.
> Display 770 contains a plurality of windows
> (such as windows 772-775), one for displaying
> information relating to a selected database.
> Each one of windows 772-775 has a similar
> structure as display 740 of FIG. 2A, and
> consequently will not be shown in detail. **The
> user can select search criteria in each window
> using the methods described above.** (emphasis
> added).

    Thus, Shoji taught that the user selects the search
criteria in each of the windows, where each window is
equivalent to display 740 in Fig. 2A. Col. 4, line 64 to Col.
5, line 30 describes in some detail that the user must select

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the search criteria for the corresponding database. Shoji then
teaches:

> An interface driver 720 is used to manage searches on
> multiple databases. . . .

Shoji, Col. 5, lines 39, 40

> Display 770 contains a plurality of windows (such as
> windows 772-775), <u>one for displaying information relating
> to a selected database</u>.

Shoji, Col. 5, lines 46 to 48.
Thus, Shoji taught that the user must fashion a <u>different</u> query
for each of the individual databases represented by windows 772
to 775 in Fig. 2B.

Next after the query is fashioned in one of the windows an
individual search is done for the corresponding database.
Shoji stated:

> The result of the search for each database is
> displayed in the corresponding window.

Shoji, Col. 5, lines 52, 53
Thus, a query is not issued simultaneously for each of the
individual databases, but rather, the user goes through and
fashions a query database by database and pulls the results
into the window for that database. When all the results are
obtained from the individual databases, Shoji taught:

> The user can then click on one of the logic
> relationships shown in a window 778 to select <u>a search for
> the results of all the databases</u>.

Shoji, Col. 5, lines 54 to 56.
Thus, interface driver 720 does not direct a query to the
individual database 704, 705, 706, but instead the user selects
a logical operation that is performed on the **results** in windows

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772 to 775 obtained in response to the individual queries initiated by the user.

Several points are important here. First driver 720 only displays a window associated with a driver for a particular database. Thus, the window in which the user enters the search criteria is not a window separate and distinct from the database driver, but rather is the window associated with the database driver itself.

Accordingly, Shoji expressly teaches that it is the driver for the individual database and not interface driver 720 that issues the query and displays the results from the query in the window of that driver, e.g., windows 772-775, since this is what is expressly taught by Shoji when Shoji is considered as a whole as required by the MPEP.

Nevertheless, the final rejection stated:

> Since each database driver implements the same functions calls and each API will appear the same to the merging driver [interface driver 720 . . .]. Therefore, Shoji teaches substantially identical APIs for each driver.

The rejection assumes that driver 720 supplies the query to each database driver. However, Shoji as noted above teaches that this is incorrect, because the user enters the query directly into window associated with the driver and issues a different query to each database. Accordingly, the assumptions made in supporting the continuation of the rejection are not supported by Shoji when Shoji is considered as a whole as required by the MPEP. In addition, since Shoji taught that each of the databases is queried database by database using the window and associated driver for the database, there is no basis for assuming that driver 720 accesses the various drivers to provide the query to the database, because this assumption goes against the express teachings of Shoji as to how the query

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for each database is generated. This alone is sufficient to overcome the obviousness rejection.

Applicants also note that there is a reason that Shoji required a different query for each of the individual databases. Shoji taught:

> A single-association database contains a plurality of records, each record associates one piece of data with another piece of data.

Shoji Col. 2, lines 1 to 3.

> The present database system does not need to have index files. The structure of each database in the present system is often simpler than an index file of a conventional database system. As a result, there is no need to construct an index file to speed up searching. The lack of index files is another advantage of the present database system.

Shoji, Col. 2, lines 21 to 26.

Shoji repeatedly stated that simple database structure was different from the typical database, e.g.,

> The present invention is different from prior art database systems which contain a small number of multi-association databases and a search routine. Typically, the structures of the prior art databases are very complex because each database is designed to contain as much information as possible. As a result, the search routine is also very complex because it has to understand the complicated structure of the underlying database. Consequently, the databases and search routine are very difficult to use and maintain.

Shoji, Col. 5, lines 63 to Col. 6, line 4.

Despite the explicit teaching of Shoji, the rejection contends that one of skill in the art would go to the complex database system of DiDomizio, extract pieces from that complex system and use those pieces to modify Shoji. Specifically, the

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rejection cited "step 128 of searching the database structure (e.g., LDAP strurcture) to retrieve attributes in the target databases that match the terms of the enhanced query selected by the user."

Shoji expressly taught that "there is no need to construct an index file to speed up searching," as quoted above. Nevertheless, the rejection extracts a teaching of searching an LDAP structure. Since Shoji expressly stated that such searching unnecessary, to extract such a piece goes against the express teachings of Shoji. Accessing a LDAP structure would require modifying Shoji to have a similar structure, but adding such a structure and search would modify Shoji in a way that it was not suitable for its intended purpose. In addition, it would require replacing the windows used by Shoji for issuing queries to the individual databases with a completely different process that issued the same query to each database.

The MPEP further directs:

V. < THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

MPEP § 2143.01 V., 8th Ed., Rev. 3, p. 2100-137 (August 2005).

Changing from a user crafting a query for each individual database and submitting that query to the database to a system that issued the same query to all the databases would render Shoji unsatisfactory for its intended purpose, because the user could no longer issue a different query to each individual database as taught by Shoji. Also, it would require changing the simple database structure of Shoji. Thus, the proposed modification to the primary reference fails to satisfy this MPEP requirement and so according to the MPEP there is no

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suggestion or motivation to make the proposed modification.
Accordingly, a prima facia obviousness rejection has not been
made.

For each of the foregoing reasons, the Office Action
failed to meet minimum requirements for establishing *prima
facie* obviousness. Applicant respectfully requests
reconsideration and withdrawal of the obviousness rejection of
Claim 11.

Applicant respectfully traverses the obviousness rejection
of Claim 12. Claim 12 depends from Claim 11 and so
distinguishes over the prior art references for at least the
same reasons as Claim 11. Applicant respectfully requests
reconsideration and withdrawal of the obviousness rejection of
Claim 12.

Applicant respectfully traverses the obviousness rejection
of Claim 1. Claim 1 recites in part:

> ...using an application programming interface
> (API) for each driver in said plurality of
> separate drivers, wherein said API is
> substantially identical for each of said drivers
> in said plurality of separate drivers;
> receiving said single access operation by a
> merging driver wherein in response to said
> single access operation, said merging driver
> accesses each driver in said plurality of
> separate drivers through said API; and
> accessing an associated data source in said
> plurality of data sources by said each driver in
> response to said merging driver access though
> said API,
> wherein said single access operation
> enabled access of said plurality of data
> sources; and
> said single access operation is performed
> for each of said plurality of data sources.

As discussed above with respect to Claim 11 and
incorporated herein by reference, the Office Action failed to
show that the cited sections of Shoji taught or suggested a
merging driver as recited in Claim 1 and expressly taught away

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from such a driver. Further, the motivation for the combination of the two reference violates the MPEP criterion as noted above with respect to Claim 11 and incorporated herein by reference. Finally, accessing a LDAP structure to obtain attributes about multiple data sources as cited in the secondary reference teaches away from accessing each of the plurality of data resources as recited in Claim 1. Only one of these distinctions is needed to overcome the obviousness rejection of Claim 1. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claim 1.

Applicant respectfully traverses the obviousness rejection of each of Claims 2 to 5. Claims 2 to 5 depend directly or indirectly from Claim 1 and therefore distinguish over the cited art for at least the same reasons as Claim 1. Applicant respectfully requests reconsideration and withdrawal of each of the obviousness rejections of Claims 2 to 5.

Applicant respectfully traverses the obviousness rejection of Claims 6 and 13. Claims 6 and 13 were rejected for the same reasons as Claim 1. Therefore, as discussed with respect to Claim 1, and incorporated herein by reference, the Office Action failed to show how the cited references, alone or in combination, taught or suggested all of the claim limitations of Claim 1. Applicant respectfully requests the reconsideration and withdrawal of each of the obviousness rejections of Claims 6 and 13.

Claims 7 to 10 and Claims 14 to 17 depend directly or indirectly from Claims 6 and 13, respectively, and therefore distinguish over the cited art for at least the same reasons as Claims 6 and 13. Applicant respectfully requests reconsideration and withdrawal of each of Claims 7 to 10 and each of Claims 14 to 17.

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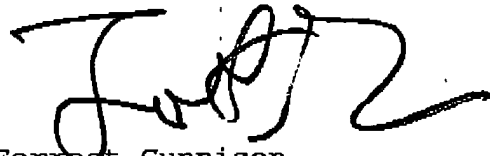Reply to Office Action of January 24, 2006

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Claims 1 to 17 remain in the application. Claim 6 is amended. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. 571-273-8300, on March 24, 2006.

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Respectfully submitted,

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